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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,293	02/14/2001	Jason Gosior	64532.1	2219

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EXAMINER

MICHALSKI, JUSTIN I

ART UNIT	PAPER NUMBER
2644	

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

9/23/04 - Tompkins
no longer at firm given number
(780) 424-2200

CIP

Office Action Summary

Application No.

09/784,293

Applicant(s)

GOSIOR ET AL.

Examiner

Justin Michalski

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-24, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Best (US Patent 4,569,026) in view of Carter (US Patent 4,445,107).

Regarding Claim 1, Best discloses a system (Figure 1) for wireless interaction between an operator and a program, comprising: a host device for supporting the program (memory 85; unit 55, memory 173; tracking 58; and references 52, 53, and 54); a base transceiver engaged with said host device (Figure 1), wherein said base transceiver comprises a processor core (scheduling unit 35), a radio frequency transceiver (transceiver 171), and voice recognition and generation capability (voice recognition unit 38); and a controller operable by the operator (unit 41), wherein said controller comprises a processor core (it is inherent that controller comprises a processor core for controlling units operation), a radio frequency transceiver for wireless communication with said base transceiver radio frequency transceiver (it is inherent that unit 41 has a radio frequency transceiver to communicate with transceiver 171 via radio frequency) (Column 9, lines 8-11), and an audio input (microphone 40) interface. Best does not disclose an audio output interface on the controller. Carter discloses an interaction system comprising controllers (214, 216, 218, and 220) with input

microphones (230, 232, 234, and 236) and output headphones (222, 224, 226, and 228) to give independent audio to the user (Column 7, lines 57-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that a controller could comprise an audio output device to allow audio to be delivered to an independent user.

Regarding Claim 2, Best further discloses one or more controllers (units 40 and 45) are in radio frequency transmission with said base transceiver (171) (Column 5, lines 9-11).

Regarding Claim 3, Carter further discloses headphones provide independent audio to each of the players (i.e. selectively transmitting an audio signal to at least one controller) (Column 7, lines 57-59).

Regarding Claim 4, Carter further discloses base transceiver (171) is capable of receiving multiple audio signals from at least one source (tracks on disc 52) (Column 5, lines 37-46), and wherein said base transceiver is further capable of mixing said audio signals for transmission to said controllers (Carter further discloses digital input device controller 210 (i.e. transceiver) sending audio signals to headphones 222, 224, 226, and 228).

Regarding Claim 5, Carter further discloses headphones provide independent audio to each of the players (i.e. selectively transmitting an audio signal to at least one controller) (Column 7, lines 57-59).

Regarding Claim 6, Carter further discloses headphones provide independent audio to each of the players (i.e. selectively configuring a set of audio signal for transmission to one selected controller) (Column 7, lines 57-59).

Regarding Claim 7, Carter further discloses headphones provide independent audio to each of the players (i.e. targeted audio signals transmitted to at least one controller) (Column 7, lines 57-59).

Regarding Claim 8, Best further discloses transceiver (172) generating audio signals (172) for transmission to controller (41).

Regarding Claim 9, Best further discloses controller (40) and RF transceiver (inherent for communication within 41) as an integrated device.

Regarding Claim 10, Best further discloses the voice recognition and command control capability comprises the capability of blending controller inputs (Best discloses using both voice and button controls (i.e. blended)) (Column 6, lines 42-50), pre-defined keyboard and controller voice commands (Best discloses using both voice and button controls as on display (Figure 13, Button 42, microphone 40), and user-defined voice commands (Display unit displays alternative words the user may speak (i.e. user-defined) (Column 6, lines 23-26).

Regarding Claim 11, Best further discloses voice recognition capabilities have pre-defined voice commands tailored to a selected application (Figure 11 discloses voice commands (462 and 463) which are pre-define and lead to a selected result or application).

Regarding Claim 12, Best further discloses voice command is composed of command identifiers and command action parts (Figure 13, microphone for voice 40, and buttons 42).

Regarding Claim 13, Best further discloses the command identifier field is a combination of voice signals and controller key presses (Figure 13, microphone for voice 40, and buttons 42) (Column 6, lines 33-51).

Regarding Claim 14, Best further discloses the command action field is a combination of voice signals and controller key presses (Figure 13, microphone for voice 40, and buttons 42) (Column 6, lines 33-51).

Regarding Claim 15, Best further discloses voice commands and voice signals are capable of being stored in memory and are capable of being transferred from said memory (Figure 1 discloses bi-directional data transfer from random access memory 85 to/from scheduling unit 35).

Regarding Claim 16, Best further discloses voice commands are organized into voice-tagged profiles of voice command sets (Best discloses alternative words which are displayed (i.e. voice-tagged) (Column 6, lines 23-32).

Regarding Claim 17, Best further discloses voice command profile resident in said base transceiver (171) is activatable for a selected controller (41) so that the voice command capability set of the profile is accessible to said controller (Figure 13).

Regarding Claim 18, Best further discloses voice profile can be uploaded to a controller (41) from a first base transceiver (171) and then downloaded to a second base transceiver (171 to 45).

Regarding Claim 19, Best further discloses transceiver communicating with control units 41 and 45.

Regarding Claim 20, Best further discloses a controller input can be initiated by a voice command (Best discloses vocally influencing the course of a video game story) (paragraph bridging columns 1 and 2).

Regarding Claim 21, Best further discloses a controller input of keyboard input sequences (viewer can press a button) (Column 6, lines 46-47) can be initiated by a voice command (viewer speaks a word into microphone 40) (Column 6, lines 41) in combination with a controller key sequence (pressing button) (Column 6, lines 41).

Regarding Claim 22, Best further discloses an audio telecommunication session (Figure 11, questions 4672 and 463) supported when said resident host device application is paused until such session has completed (Figure 11 shows story path can not continue (i.e. paused) until a decision has been made).

Regarding Claim 23, Best further discloses voice recognition and generation capability is at least partially resident in said host device (memory 85) and said base transceiver (171) manages the transfer of the audio signals and voice recognition parameters to and from said host device (Figure 1 discloses to and from host unit through scheduling unit 35 via 44 and 66).

Regarding Claim 24, Best further discloses selected functions of said base transceiver are integrated into said host device (Figure 1 discloses transceiver information traveling into host unit (random access memory 55)).

Regarding Claim 26, Carter further discloses a hard wire connection between a controller and base transceiver (Figure 4).

Regarding Claim 27, Carter further discloses a hard wire connection between a controller and base transceiver for facilitating voice recognition and command control capability (Figure 4).

3. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Best as modified as applied to claim 1 above, and further in view of Bourk (US Patent 5,182,774). Best as modified discloses a system as stated apropos of claim 1 including headsets and microphones (Carter, Figure 4) but does not disclose an environmental noise cancellation mechanism. Bourk discloses a headset with a microphone (Figure 4) with noise cancellation to shield the user from environmental noise (Column 1, lines 10-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a noise cancellation mechanism in order to prevent the user from hearing environmental noise resulting in a clearer audio signal.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Michalski whose telephone number is (703)305-5598. The examiner can normally be reached on 8 Hours, 5 day/week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Isen can be reached on (703)305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JIM


XU MEI
PRIMARY EXAMINER